



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Francesco Cerrina, et al.
Title: METHOD AND APPARATUS FOR
SYNTHESIS OF ARRAYS OF
DNA PROBES

Appl. No.: 09/637,891

Filing Date: 08/09/2000

Examiner: Ardin H. Marschel

Art Unit: 1631

RECEIVED
AUG 25 2003
TECH CENTER 1600/2900

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, Wisconsin Alumni Research Foundation, having its principal place of business at P.O. Box 7365, Madison, Wisconsin 53707-7365, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/637,891, filed August 9, 2000, which is a continuation of U.S. Patent Application No. 09/253,460, filed February 22, 1999, by virtue of an Assignment filed and recorded on May 18, 1999, on Reel/Frame 009961/0123, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,375,903, which issued on April 23, 2002, from U.S. Patent Application No. 09/253,460, filed February 22, 1999,

08/20/2003 HAMMED1 00000011 09637891

01 FC:2814

55.00 OP

by virtue of the Assignment filed and recorded on May 18, 1999, on Reel/Frame 009961/0123, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A.

Your Petitioner, Wisconsin Alumni Research Foundation, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,375,903, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,375,903 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified patent application, prior to the full statutory term of U.S. Patent 6,375,903 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,375,903 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,375,903 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above-identified patent application that would

extend beyond the present termination of U.S. Patent 6,375,903, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that to the best of his knowledge and belief, legal title in the above-identified application rests with Petitioner, Wisconsin Alumni Research Foundation.

The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Date August 15, 2003

Respectfully submitted,

FOLEY & LARDNER
Customer Number: 23524



23524

PATENT TRADEMARK OFFICE

Telephone: (608) 258-4207

Facsimile: (608) 258-4258

By

Harry C. Engstrom
Attorney for Applicants
Registration No. 26,876